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Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

CHARLENE ANN CHARTIER
21551 Brookhurst Street, #23
Huntington Beach, CA 92646

Respiratory Care Practitioner
License No. 9731

Respondent.

Case No. R-1997

OAH No. L-2006020563

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in
this proceeding that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory
Care Board of California. She brought this action solely in her official capacity and is represented
in this matter by Bill Lockyer, Attorney General of the State of California, by Samuel K.
Hammond, Deputy Attorney General.

2. CHARLENE ANN CHARTIER (Respondent) is represented in this
proceeding by attorney David D. Ribeiro, whose address is 16215 E. Whittier Boulevard
Whittier, CA 90603.

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3. On or about September 25, 1985, the Respiratory Care Board of California issued Respiratory Care Practitioner License No. 9731 to CHARLENE ANN CHARTIER (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. R-1997 and will expire on November 30, 2007, unless renewed.

JURISDICTION

4. First Amended Accusation No. R-1997 was filed before the Respiratory Care Board (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on May 23, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of First Amended Accusation No. R-1997 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the First Amended Accusation No. R-1997. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in the
3 First Amended Accusation No. R-1997, agrees that cause exists for discipline and hereby
4 surrenders her Respiratory Care Practitioner License No. 9731 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the
6 Board to issue an order accepting the surrender of her Respiratory Care Practitioner License
7 without further process.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Respiratory Care Board.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory
11 Care Board of California may communicate directly with the Board regarding this stipulation and
12 surrender, without notice to or participation by Respondent or her counsel. By signing the
13 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
15 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order
16 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
17 between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated
20 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
21 and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
24 following Order:

25 **ORDER**

26 IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 9731,
27 issued to Respondent CHARLENE ANN CHARTIER is surrendered and accepted by the
28 Respiratory Care Board.

1 13. The surrender of Respondent's Respiratory Care Practitioner License and
2 the acceptance of the surrendered license by the Board shall constitute the imposition of discipline
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
4 of Respondent's license history with the Board.

5 14. Respondent shall lose all rights and privileges as a Respiratory Care
6 Practitioner in California as of the effective date of the Board's Decision and Order.

7 15. Respondent shall cause to be delivered to the Board both her wall and
8 pocket license certificates on or before the effective date of the Decision and Order.

9 16. Respondent fully understands and agrees that if she ever files an application
10 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
11 petition for reinstatement. Respondent must comply with all the laws, regulations and procedures
12 for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges
13 and allegations contained in First Amended Accusation No. R-1997 shall be deemed to be true,
14 correct and admitted by Respondent when the Board determines whether to grant or deny the
15 petition. Respondent also understands and agrees that at the time for said application for
16 relicensure or petition for reinstatement, she shall reimburse the Board its cost of investigation and
17 enforcement in the amount of \$7,692.00.

18 17. Should Respondent ever apply or reapply for a new license or certification,
19 or petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in First Amended Accusation No. R-1997
21 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
22 of Issues or any other proceeding seeking to deny or restrict licensure.

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DATED: June 1, 2006.

I have read and fully discussed with Respondent CHARLENE ANN CHARTIER the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: June 1, 2006.

Original signed by:
DAVID D. RIBEIRO
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: June 7, 2006.

BILL LOCKYER, Attorney General
of the State of California

Original signed by:
SAMUEL K. HAMMOND
Deputy Attorney General

Attorneys for Complainant

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OAH No. L-2006020563

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Respiratory Care Board, Department of Consumer Affairs, as its Decision in the above entitled
matter.

This Decision shall become effective on July 17, 2006.

It is so ORDERED July 6, 2006.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA